

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 24. BOARD OF PHYSICAL THERAPY

[R08-430]

#### PREAMBLE

- 1. Sections Affected**

R4-24-101	<b><u>Rulemaking Action</u></b>
Table 1	Amend
R4-24-301	Amend
	Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-2003(5)  
Implementing statute: A.R.S. §§ 32-2022(B), 32-2041, and 41-1073
- 3. List of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 4343, November 21, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Heidi Herbst Paakkonen, Executive Director
Address:	Board of Physical Therapy 4205 N. 7th Ave., Suite 208 Phoenix, AZ 85013
Telephone:	(602) 274-0236
Fax:	(602) 274-1378
E-mail:	Heidi.herbst-paakkonen@ptboard.state.az.us
- 5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Board is updating material incorporated by reference, specifying in table form the time-frame for renewal of a license or certificate; and amending the rule regarding lawful practice to include information on patient consent to treatment.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None
- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**

The clarified standards regarding patient consent may impose minimal economic impact on physical therapists but will have the benefit of protecting both the physical therapist and the consumer of physical therapy services.

Notices of Proposed Rulemaking

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Heidi Herbst Paakkonen, Executive Director  
Address: Board of Physical Therapy  
4205 N. 7th Ave., Suite 208  
Phoenix, AZ 85013  
Telephone: (602) 274-0236  
Fax: (602) 274-1378  
E-mail: Heidi.herbst-paakkonen@ptboard.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Monday, January 26, 2009  
Time: 10:00 a.m.  
Location: 4205 N. 7th Ave., Suite 208  
Phoenix, AZ 85013

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

Coursework Tool for Foreign Educated Physical Therapists who Graduated after June 30, 2009; Fifth edition; 2004; Federation of State Boards of Physical Therapy; 124 West St., Alexandria, VA 22314; 703-299-3100; incorporated at R4-24-101.

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 24. BOARD OF PHYSICAL THERAPY**

**ARTICLE 1. GENERAL PROVISIONS**

Section  
R4-24-101. Definitions

**ARTICLE 2. LICENSING PROVISIONS**

Section  
Table 1. Time-frames (in days)

**ARTICLE 3. PRACTICE OF PHYSICAL THERAPY**

Section  
R4-24-301. Lawful Practice

**ARTICLE 1. GENERAL PROVISIONS**

**R4-24-101. Definitions**

In addition to the definitions in A.R.S. § 32-2001, in this Chapter:

1. No change
2. No change
  - a. No change
  - b. No change
3. No change
4. No change
5. No change
6. No change

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- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. “Course evaluation tool” means ~~A~~ the Coursework Evaluation Tool for ~~Persons Who Received Their Foreign Educated Physical Therapy Education Outside the United States Therapists who Graduated after June 30, 2009, Fourth~~ Fifth Edition, 2003 2004, published by the Federation of State Boards of Physical Therapy, ~~509 Wythe~~ 124 West St., Alexandria, VA; 22314, incorporated by reference and on file with the Board. This incorporation by reference contains no future editions or amendments.
- 12. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
  - a. No change
  - b. No change
  - c. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
- 22. No change
- 23. No change
- 24. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 32. No change
- 33. No change
- 34. No change
- 35. No change
- 36. No change
- 37. No change

**ARTICLE 2. LICENSING PROVISIONS**

**Table 1. Time-frames (in days)**

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Original License (R4-24-201)	License	A.R.S. §§ 32-2022; 32-2023	75	30	45
License by Endorsement (R4-24-201)	License by Endorsement	A.R.S. § 32-2026	75	30	45
Physical Therapist Assistant Certificate (R4-24-207)	Certificate	A.R.S. §§ 32-2022; 32-2023	75	30	45
Foreign-educated (R4-24-203)	License	A.R.S. §§ 32-2022; 32-2025	75	45	30

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<u>Renewal of license or certificate (R4-24-208)</u>	<u>License or certificate</u>	<u>A.R.S. § 32-2027</u>	<u>30</u>	<u>15</u>	<u>15</u>
Foreign-educated and Supervised Clinical Practice (R4-24-203, R4-24-204)	Interim Permit and Approval of Facility	A.R.S. § 32-2025	60	30	30
Reinstatement (R4-24-202)	Reinstatement of License or Certificate	A.R.S. § 32-2028	30	15	15

**ARTICLE 3. PRACTICE OF PHYSICAL THERAPY**

**R4-24-301. Lawful Practice**

- A. A physical therapist shall provide the referring practitioner, if any, with information from the patient assessment, diagnosis, and plan of care. ~~A~~ Within one week after a patient is initially evaluated, the physical therapist shall provide this information, verbally or in writing, after a patient is initially evaluated:
  - 1. In writing and place a copy of the written notice in the patient’s record, or
  - 2. Orally and place a contemporaneously made note of the verbal communication in the patient’s record.
- B. A physical therapist shall maintain the confidentiality of patient records ~~in accordance with A.R.S. Title 12, Chapter 7 as required by federal and state law.~~
- C. On written request by a patient or the patient’s health care decision maker, a physical therapist shall provide access to or a copy of the patient’s medical or payment record in accordance with A.R.S. § 12-2293.
- ~~C.D.~~ A physical therapist shall obtain a patient’s ~~informed~~ consent before examination and treatment. ~~The~~ and document the consent shall be in writing or documented in the patient chart and include: patient’s record.
  - 1. ~~The nature of the proposed intervention;~~
  - 2. ~~Material risk of harm or complication;~~
  - 3. ~~A reasonable alternative to the proposed intervention, and~~
  - 4. ~~The goal of treatment.~~
- E. A physical therapist shall respect a patient’s right to make decisions regarding examination and the recommended plan of care including consent, modification, or refusal. To assist the patient in making these decisions, the physical therapist shall:
  - 1. Communicate to the patient examination findings, evaluation, diagnosis, and prognosis;
  - 2. Collaborate with the patient to establish the goals of treatment and the plan or care; and
  - 3. Inform the patient that the patient is free to select another physical therapy provider.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 6. ECONOMIC SECURITY**

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY  
SOCIAL SERVICES**

[R08-439]

**PREAMBLE**

**1. Sections Affected**

Article 61  
R6-5-6101  
R6-5-6102  
R6-5-6103  
R6-5-6104  
R6-5-6105  
R6-5-6106  
R6-5-6107  
R6-5-6108

**Rulemaking Action**

New Article  
New Section  
New Section

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing Statute: A.R.S. § 41-1954(A)(3)  
Implementing Statutes: A.R.S. §§ 8-521, 8-521.01

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 4928, December 26, 2008 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding this rulemaking:**

Name: Beth Broeker  
Address: Department of Economic Security  
1789 W. Jefferson St., Site Code 837A  
Phoenix, AZ 85007

or

P.O. Box 6123, Site Code 837A  
Phoenix, AZ 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

E-mail: [bbroeker@azdes.gov](mailto:bbroeker@azdes.gov)

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking is required by A.R.S. § 8-521(F). The Independent Living Program and Transitional Independent Living Program provide an array of support and services to assist youth in foster care to make a successful transition to adulthood. Service areas include housing, secondary and post-secondary education and training, vocational and employment training and counseling.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department reviewed the following studies during the process of drafting these rules. All are available by contacting the individual listed in item 4, in addition to the sources listed below.

Pecora, P. J., Kessler, R. C., Williams, J., O'Brien, K., Downs, A. C., English, D., White, J., Hiripi, E., White, C. R., Wiggins, T., and Holmes, K. E. *Improving family foster care: Findings from the Northwest Foster Care Alumni Study*. Seattle, WA: Casey Family Programs; Revised March 14, 2005. Available at <http://www.casey.org> or Research Services at Casey Family Programs, 1300 Dexter Ave. N., Floor 3, Seattle, WA 98109-3547.

Fernandes, A. L. *Youth Transitioning From Foster Care: Background, Federal Programs, and Issues for Congress*. Congressional Research Service; May 21, 2008. Available at [http://assets.opencrs.com/rpts/RL34499\\_20080521.pdf](http://assets.opencrs.com/rpts/RL34499_20080521.pdf) or Congressional Research Service, The Library of Congress, 101 Independence Ave., S.E., Washington, DC 20540-7500.

Courtney, M. E., Terao, S., and Bost, N. *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Conditions of Youth Preparing to Leave State Care*. Chapin Hall Center for Children at the University of Chicago; 2004. CS-100 ~ ISSN: 1097-3125. A complete list of Chapin Hall publications is available at: [www.chapinhall.uchicago.edu](http://www.chapinhall.uchicago.edu). Telephone: (773) 753-5900 or fax (773) 753-5940. Or write: Chapin Hall Center for Children at the University of Chicago, 1313 E. 60th St., Chicago, IL 60637.

Courtney, M. E. and Dworsky, A. *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19*. Chapin Hall Center for Children at the University of Chicago. CS-115 ~ ISSN: 1097-3125. A complete list of Chapin Hall publications is available at: [www.chapinhall.uchicago.edu](http://www.chapinhall.uchicago.edu). Telephone: (773) 753-5900 or fax (773) 753-5940. Or write: Chapin Hall Center for Children at the University of Chicago, 1313 E. 60th St., Chicago, IL 60637.

Courtney, M. E. and Dworsky, A., Cusick, G. R., Havlicek, J., Perez, A., and Keller, T. *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21*. Chapin Hall Center for Children at the University of Chicago; 2007. CS-147 ~ ISSN: 1097-3125. A complete list of Chapin Hall publications is available at: [www.chapinhall.uchicago.edu](http://www.chapinhall.uchicago.edu). Telephone: (773) 753-5900 or fax (773) 753-5940. Or write: Chapin Hall Center for Children at the University of Chicago, 1313 E. 60th St., Chicago, IL 60637.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rule deals with how independent living and transitional living support and services are delivered to eligible current and former foster youth in the state, for the purpose of assisting and supporting a successful transition to adulthood. This program is funded through the federal Chafee Foster Care Independence Program (CFCIP) grant. The state of Arizona was allocated **\$2,525,936** for Federal Fiscal Year **2008** (October 1, **2007** through September 30, **2008**).

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There is a 20% state match required for the funding allocated through this federal program. The amount of the federal grant fluctuates each year as the funding formula is based on the number of youth in care in Arizona as compared to the national average.

The number of eligible youth also fluctuates each year. This program serves youth in the custody of the Department in out-of-home care who have either been identified as “likely to age out of foster care” or who are 16 years of age or older. This program also serves young adults in the state under 21 years of age who were formerly in the custody of the Department or another state foster care program and in out-of-home care when age 16 or older. Additionally, services under this program are available to youth and young adults who are currently or were formerly involved in a Tribal Foster Care program when age 16 or older. During FFY 2007, 1,296 current and former foster youth were served by this program.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Beth Broeker  
Address: P.O. Box 6123, Site Code 837A  
Phoenix, AZ 85005  
Telephone: (602) 542-6555  
Fax: (602) 542-6000  
E-mail: bbroeker@azdes.gov

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department will conduct an oral proceeding on the proposed rule if a written request is submitted within 30 days of the date of this publication to the person named in item 4. Written comments may be submitted to the Department for at least 30 days after the date of this publication to the person named in item 4.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

Not applicable

**13. The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY  
SOCIAL SERVICES

**ARTICLE 61. INDEPENDENT LIVING PROGRAM**

Section

R6-5-6101. Definitions  
R6-5-6102. Provision of Services  
R6-5-6103. Denial of Services  
R6-5-6104. Eligibility  
R6-5-6105. Case Management Responsibilities  
R6-5-6106. Voluntary Out-of-home Care for Youth 18 through 20 Years of Age  
R6-5-6107. Transitional Independent Living Program  
R6-5-6108. Termination of Services

**ARTICLE 61. INDEPENDENT LIVING PROGRAM**

**R6-5-6101. Definitions**

The following definitions apply to this Article:

1. “Active participation” means regular attendance and completion of assigned tasks that will result in earned school, class, or program credits.
2. “Aftercare services” means assistance and support available to eligible former foster youth after the Division of Children, Youth and Families (DCYF), tribal foster care or other state foster care case is closed.

3. “Age of majority” means that an individual is at least 18 years old.
4. “Approved living arrangement” means a residence that has been reviewed by the assigned case manager or designee and approved within the individualized case plan.
5. “Arizona Young Adult Program” means a group of programs and services designed to assist youth, identified by the Department as likely to reach the age of 18 while in foster care, to become self-sufficient. Programs and services include Independent Living Services, the Independent Living Subsidy Program, Voluntary Continued Out-of-home Care past age 18, and the Transitional Independent Living Program.
6. “Benefits Agreement” means an agency-approved form that documents the extent of a former foster youth’s financial need, and the services the Department will provide, in relation to housing, counseling, health care, education, employment, daily living skills or vocational goals.
7. “Children’s Services Manual” means the written policies, implementation procedures, decision making guides, documentation guides and supporting forms and exhibits by which staff within the Division of Children, Youth and Families/Child Protective Services conduct their work activities, in providing services to children, youth and families involved with Child Protective Services.
8. “Custody of the Department” means that the youth is in out-of-home care under the supervision of the Department while the subject of a dependency petition, adjudicated dependent or placed voluntarily pursuant to A.R.S. § 8-806.
9. “Department” means the Arizona Department of Economic Security.
10. “District” means one of the six designated geographic areas within the state, under the responsibility of the local Division of Children, Youth and Families.
11. “District Program Manager” means the Division of Children, Youth and Families personnel responsible for oversight of all Department child welfare staff, programs and activities that are available in a designated geographic area.
12. “Employment” includes paid employment, as well as participation in employment-readiness programs and activities, including career assessment and exploration, volunteer positions, job-shadowing, internship or other unpaid employment readiness activities.
13. “Extraordinary purchase” means an expenditure that impedes the youth’s ability to meet the financial obligations outlined in the youth’s budget.
14. “Full-time” means participation in any combination of educational, vocational, employment or treatment programs and activities, and includes employment readiness activities, homework, study time, and other similar activities, for at least 35 hours per week.
15. “Independent Living Subsidy Program” means a program through which an eligible youth may receive a monthly stipend to assist in meeting monthly living expenses while residing in an out-of-home placement, under A.R.S. § 8-521. This stipend replaces any foster care maintenance payment from the DCYF for support of the youth.
16. “Independent Living Services” means an array of assistance and support that is contracted, referred, or otherwise arranged by agency staff, and is designed to help eligible youth build skills to become self-sufficient. These services may include:
  - a. Independent living skills training;
  - b. Youth advocacy groups;
  - c. Counseling on issues facing youth aging out of foster care;
  - d. Mental health services;
  - e. Health care;
  - f. Leadership training;
  - g. Transportation;
  - h. Mentors;
  - i. Educational support such as:
    - i. Tutoring;
    - ii. Assistance in paying GED testing fees;
    - iii. Tuition;
    - iv. Employment-related activities, or
    - v. Other similar services.
17. “Individual case plan” means an agreement that documents specific services and assistance that support life goals in relation to:
  - a. Connections to and relationships with family and community, including peer and community mentors;
  - b. A safe, stable, desired, living arrangement, which may include a permanent arrangement such as guardianship or adoption;
  - c. Daily living skills;
  - d. Secondary and post secondary education and training;
  - e. Employment and career planning;
  - f. Physical health, including reproductive health;
  - g. Emotional health;

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- h. Mental health;
- i. Spiritual or faith needs; and
- j. Interpersonal relationships.
- 18. “Life skills assessment” means a measure of a youth’s ability to function in a variety of skill areas, including house-keeping, personal hygiene, and knowledge of community resources and budgeting, as determined by a validated assessment tool.
- 19. “Significant misuse of funds” means to expend funds provided by the Department for specific purposes, such as education or living expenses, on items that are not permitted by law, such as illegal drugs and alcohol, or on expensive or extraordinary purchases that are not included in an approved budget or case plan.
- 20. “Out-of-home care” means placement in a licensed foster home, group home, residential placement, independent living program, or in an approved unlicensed independent living, relative or non-relative placement. Out-of-home care excludes detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of children who are determined delinquent.
- 21. “Responsible agency staff” means the assigned case manager or other Department employee.
- 22. “Service team members” means the youth, the youth’s attorneys, the Guardian ad Litem (GAL), the Court Appointed Special Advocate (CASA), other parties to the dependency case, contract or other service providers, responsible agency staff, and other adults involved or supporting the youth’s activities or employment.
- 23. “SSI” means Supplemental Security Income payments.
- 24. “Substantial non-compliance” means:
  - a. Termination from an educational, vocational or employment program due to lack of attendance, for reasons unrelated to physical, emotional or mental health, or failure to make satisfactory progress as defined by the program;
  - b. Persistent lack of communication with the assigned case manager or other agency staff that results in a loss of contact with the youth or interferes with the Department’s ability to document case plan progress during a 60-day period;
  - c. Significant misuse of funds provided to support case plan or service plan goals; or
  - d. For the Independent Living Subsidy, the failure to maintain an approved living arrangement.
- 25. “Transitional Independent Living Program” means a program of service for former foster youth that provides assistance and support in the attainment or maintenance of housing, counseling, education, vocation and employment.
- 26. “Transitional Independent Living Services for Former Foster Youth” means those services contracted through the Transitional Independent Living Program, and may include assistance and support with health care, money management, housing, counseling, education, vocational training and employment. The Department or its contractors provide services through a written agreement with the former foster youth. Services provided are contingent on budgetary resources.
- 27. “Validated assessment tool” means a written or verbal survey tool that can demonstrate empirical evidence for reliability and validity.
- 28. “Voluntary Continued Out-of-home Care” means a formal agreement between the youth and the Department that allows a youth who would otherwise age out of foster care to continue in an approved living arrangement, while receiving independent living services.
- 29. “Young Adult Transitional Insurance Program” means a category of health care coverage under the state Medicaid program (Arizona Health Care Cost Containment System, or AHCCCS) for youth who have reached the age of majority in foster care.
- 30. “Youth” means an individual less than 21 years of age currently or formerly placed in out-of-home care at age 16 or older.

**R6-5-6102. Provision of Services**

Independent Living Services will be provided to youth in the custody of the Department, based on service team recommendations and the findings of a life skills assessment. The services provided may include one or more of the following, dependent upon case plan goals and funding through the Department or other community resources:

- 1. Independent living skills training,
- 2. Educational or vocational planning,
- 3. Career planning, or
- 4. Voluntary Continued Out-of-home Care.

**R6-5-6103. Denial of Services**

Services shall not be denied unless basic eligibility requirements are not met.

- 1. Independent Living Services may be denied if basic eligibility requirements regarding custody and out-of-home placement under A.R.S. § 8-521 and A.R.S. § 46-134 are not met.
- 2. Independent Living Subsidy may be denied if the basic requirements of A.R.S. § 8-521 are not met.
- 3. Transitional Independent Living Services may be denied if basic eligibility requirements regarding foster care status

under A.R.S. § 8-521.01 are not met.

**R6-5-6104. Eligibility**

- A.** Availability of Services. The availability of Department-funded services to eligible individuals under 16 years of age is dependent upon funding through the Department. When funding is unavailable or insufficient, the Department shall identify community-based or other resources to meet the needs identified in the case plan for all youth determined to be in need of services.
- B.** Independent Living Services. In order to be eligible for independent living services, a youth shall:
1. Be under the age of 21;
  2. Be in the custody of the Department, a licensed child welfare agency or tribal Court;
  3. Reside in out-of-home care and:
    - a. Be identified within the case plan as “likely to age out of foster care,” or
    - b. Be at least 16 years of age; and
  4. Be referred by the youth’s assigned case manager or other agency staff or tribal social services representative.
- C.** Independent Living Subsidy.
1. In order to be eligible for subsidy, a youth shall:
    - a. Be at least 17 years of age, in the custody of the Department or a licensed child welfare agency and participating on a full-time basis in an approved educational, employment, vocational, treatment or other program as outlined in the youth’s case plan.
    - b. Complete the Independent Living Subsidy Agreement and Approval forms.
  2. Conditions for continuation in the Independent Living Subsidy Program include:
    - a. Communication with the case manager, as outlined in the agreement;
    - b. Maintenance of the Department-approved living arrangement, including approval of any and all roommates, as noted in the case plan or independent living agreement; and
    - c. Active participation on a full-time basis in approved educational, employment, vocational, treatment or other programs, as outlined in the youth’s case plan.
  3. Youth may participate out-of-state under the same conditions as above.
- D.** Transitional Independent Living Program. Under A.R.S. § 8-521.01, in order to be eligible for the Transitional Independent Living Program, a youth must be under 21 years of age and have been in out-of-home care placement in the custody of the Department, a licensed child welfare agency or a tribal child welfare agency while age 16, 17 or 18 years of age.

**R6-5-6105. Case Management Responsibilities**

- A.** During the first face-to-face contact with a youth who is likely to reach the age of majority while in out-of-home care, a case manager shall provide, verbally and in writing, information regarding the rights of youth in care, including the right to:
1. Maintain and build relationships with family, friends and community;
  2. Explore and express individual needs and goals;
  3. Participate in an education program in the least restrictive environment to meet the youth’s needs and goals;
  4. A safe, stable living arrangement in the least restrictive environment to meet the youth’s needs and goals;
  5. Fully participate in the development of the youth’s individual case plan;
  6. Review and contribute information to the youth’s case file;
  7. Receive a certified copy of the youth’s original birth certificate, and Social Security card;
  8. Receive copies and assistance with reviewing education, health, psychological or other records contained in the case file that are deemed necessary to the youth’s successful transition to adulthood, as identified in the youth’s case plan;
  9. Be consulted and participate in decisions prior to any changes being made to the youth’s individual case plan, including changes in services and out-of-home placement; and
  10. Grieve any action taken by the Department.
- B.** During the first face-to-face contact with a youth who is likely to reach the age of majority while in out-of-home care, a case manager shall provide, verbally and in writing, information regarding programs and services available to the youth, including:
1. Information describing:
    - a. Independent living services,
    - b. Independent living subsidy program,
    - c. Voluntary continued out-of-home care,
    - d. Financial aid including the Education and Training Voucher (ETV) program,
    - e. Aftercare services,
    - f. Health care services through the Young Adult Transitional Insurance program,
    - g. Services and support available through other state and federal programs for youth, and
    - h. Other financial support and assistance that may be available.

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2. How to contact the assigned case manager, including:
  - a. The case manager's:
    - i. Current work phone number;
    - ii. Physical address;
    - iii. Supervisor's name, work phone number, and physical address; and
  - b. How to contact other Department staff, as stated in the DCYF Children's Services Manual, including names, and work phone numbers for use in emergencies;
3. How to contact the youth's assigned attorney and GAL; and
4. The procedures for resolving a conflict, including how to file a grievance.
- C.** The case manager shall provide the youth with opportunities to privately discuss, in a neutral setting, concerns regarding services and the youth's current living arrangement.
- D.** The case manager shall assist the youth to identify peer or community mentors available through Department or community programs, or arrange for this support and include the mentors in the case planning process.
- E.** The case manager shall arrange for the youth to complete a life skills assessment within 60 days of:
  1. The youth's 16th birthday; or
  2. The date the youth entered care, if the youth is age 16 or older.
- F.** The case manager shall schedule a case plan staffing for any youth in out-of-home care identified within the case plan as "likely to age out of foster care" within 30 days of the youth's 16th birthday. The staffing shall:
  1. Include the youth and other service team members.
  2. Inform the participants of:
    - a. Services and programs available through the Department and community to assist the youth in becoming self-sufficient including:
      - i. Independent living services,
      - ii. Independent living subsidy program,
      - iii. Savings match,
      - iv. Other incentive programs,
      - v. Voluntary continued out-of-home care,
      - vi. Transitional independent living services, and
      - vii. Other aftercare or community services available to youth.
    - b. The results of the life skills assessment, when available;
    - c. Requirements for eligibility, participation, termination, and grievance of services; and
    - d. Available medical, dental and mental health services.
- G.** The case manager shall develop an independent living case plan that documents specific services and assistance that support the youth's life goals.

**R6-5-6106. Voluntary Out-of-home Care for Youth 18 through 20 Years of Age**

- A.** The Department may continue to provide out-of-home care services and supervision to a youth who turns 18 while in the custody of the Department, when the youth:
  1. Requests continued out-of-home care,
  2. Participates in developing an agreement for continued care, and
  3. Demonstrates acceptance of personal responsibility for the youth's part of the agreement through active participation in the individual case plan.
- B.** The Department may provide re-entry into out-of-home care services and supervision to a former foster youth under 21 years of age, who left the Arizona foster care system at age 18 or older, in accordance with the provision in subsection (A).
- C.** Any youth participating in voluntary continued out-of-home care shall actively participate in the youth's case plan on a full-time basis, unless prevented by illness or other crisis.
- D.** The assigned case manager, youth and involved service team members shall develop the plan for Voluntary Out-of-home Care within 30 days prior to the youth's 18th birthday for youth continuing in foster care past age 18 and within 10 days for youth approved to re-enter out-of-home care.
- E.** The case manager shall hold a case plan staffing:
  1. Within six months of the time a permanency goal is established that indicates the child will likely reach the age of majority while in foster care, to review the youth's participation and progress in services, and discuss continued foster care and other aftercare services available to the youth to age 21;
  2. At least 90 days prior to the date of the youth's 18th birthday to review the youth's participation in services and to determine whether the youth is eligible to remain in out-of-home care after the youth's 18th birthday;
  3. At least every six months from the date of the approved, signed agreement for continued care; and
  4. At least 90 days prior to the date of the youth's 21st birthday to review and plan for any continuing service needs in relation to the youth's discharge from foster care at age 21. Services shall not continue past the youth's 21st birthday.

**R6-5-6107. Transitional Independent Living Program**

- A.** The Transitional Independent Living Program provides services to former foster youth, in accordance with A.R.S. § 8-521.01, which complement the youth's own efforts toward becoming self-sufficient. The following assistance may be provided dependent upon case plan goals and the availability of funding through the Department:
1. Financial.
  2. Housing.
  3. Counseling.
  4. Employment.
  5. Education, and
  6. Other appropriate support and services.
- B.** The youth requesting services through the Transitional Independent Living Program shall submit an application containing the following information:
1. Identifying information including:
    - a. Name (and any alias);
    - b. Date of birth;
    - c. Gender (for statistical use only);
    - d. Ethnicity (for statistical use only);
    - e. Social Security number;
    - f. Phone or other contact number; and
    - g. Current address including street, apartment or other number, street name, city, state and zip code; and
  2. Verification of former foster care status.
- C.** A youth shall develop a service plan and benefits agreement with the assigned state or contract staff to receive these services.
- D.** The service plan shall address the level of stability and need in relation to each of the items noted in subsection (A).
- E.** The benefits agreement shall document the financial need of the youth in relation to each of the items noted in subsection (A).

**R6-5-6108. Termination of Services**

- A.** Reasons for Termination. Services may be terminated if:
1. The youth no longer desires the services; or
  2. The youth exhibits substantial non-compliance with the independent living case plan, or individual service plan. Every youth has the right to grieve any decision to terminate services and shall be assisted to identify and engage a personal advocate who will assist the youth through the grievance process.
- B.** Case Plan Staffing. A case plan staffing shall be held prior to termination of any of the services cited in subsection (A), and include at a minimum the youth, case manager, case manager supervisor, District Program Manager or designee and any service providers, mentors or personal advocates identified by the youth.
1. The case manager shall:
    - a. Provide written and verbal notice of the staffing to the youth, the youth's personal advocate and other service team members at least 10 working days prior to the scheduled staffing. Written notice shall be sent to the last known address, and verbal notice to the last known phone number, including the home, cell or work phone number, if applicable; and
    - b. Schedule the case plan staffing at a time amenable to the youth and include a review of the:
      - i. Current plan, including scheduled services and support;
      - ii. Youth's ability or willingness to participate in the provided services;
      - iii. Effectiveness of support and services; and
      - iv. Strategies to remedy factors resulting in non-compliance with the plan.
  2. If the youth is willing to accept personal responsibility by actively participating in the case plan, services shall continue with additional support or services provided as needed to support the youth's success.
  3. If the service team determines that no reasonable strategies exist that will improve the youth's participation in services, the team shall document this on approved agency forms and may recommend that services be terminated.
  4. If the youth is in agreement with termination of services, the case manager shall close the case and provide the youth with information on aftercare services and other community based support and services.
- C.** Grievance Process. If the youth is not in agreement with the termination of services and wishes to grieve the matter, the District Program Manager or designee shall assist the youth to initiate the grievance process. The District Program Manager or designee shall immediately submit the recommendation for termination of services, supporting documentation from the case manager and a written statement from the youth to the Division Deputy Director.
1. The Division Deputy Director or designee shall review the recommendation for termination of services and arrange to meet with the youth, case manager, case manager supervisor, District Program Manager or designee, personal advocates and service team members within 10 business days to review the case.

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2. The Division Deputy Director or designee shall either provide guidance in revising the case plan for continued care and services, or approve the termination of services.
  3. If the youth is in agreement with decision of the Division Deputy Director to terminate services, the case manager shall close the case and provide the youth with information on aftercare services and other community based support.
  4. If the youth is not in agreement, the Division Deputy Director shall submit the recommendation for termination of services, supporting documentation from the case manager, and a written statement from the youth to the Department Director for final review.
  5. The Department Director or designee shall review the recommendation for termination of services and arrange to meet with the youth, case manager, case manager supervisor, District Program Manager or designee, personal advocates and service team members within 14 business days for a final review of the case, and provide guidance in revising the case plan for continued care and services or approve termination of services.
  6. If the Department Director is in agreement with the recommendation to terminate services, the Department Director shall formally notify all parties in writing of the decision within seven business days after the date of the final review.
  7. A former foster youth whose Transitional Independent Living Program case has been closed for substantial non-compliance will be ineligible for Transitional Independent Living Program services for a minimum of 30 days, pending resolution of the issue that led to the determination of substantial non-compliance, unless the youth's health or safety is in jeopardy.
- D.** Continuation of Services. Services shall remain in effect until the reasons for termination are resolved or the grievance process is complete. If the continuation of the independent living subsidy would place the youth at risk of immediate harm, the case manager shall document this fact in the case file progress notes. If such a determination is made, the Department shall arrange for a safe living arrangement and sufficient support services to ensure the youth's safety during the interim.